

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER A. SPALLUTO)
and ACCESS WITH SUCCESS, INC.,)
Plaintiffs) CIVIL ACTION NO.: 05-cv-10385EFH
)
v.)
)
HDP, INC.,)
Defendant)
)

MOTION OF PLAINTIFFS TO CONTINUE TRIAL

The plaintiffs, Peter A. Spalluto and Access with Success, Inc., respectfully move pursuant to L.R. 40.3 to continue the trial scheduled to begin on April 6, 2007 on grounds that Mr. Spalluto is ill as established by the medical certificate attached as Exhibit A to the accompanying memorandum of reasons.

WHEREFORE, the plaintiffs pray that their motion will be granted.

Respectfully submitted, The Plaintiffs,
Peter A. Spalluto and Access With Success,
Inc.

By their Attorneys,

/s/Nicholas S. Guerrera
Nicholas S. Guerrera, BBO#551475
Shaheen, Guerrera & O'Leary, LLC
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820A Turnpike Street
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I, Nicholas S. Guerrera, counsel for the plaintiffs, hereby certify that I discussed the above motion with Brian J. McMenimen, Esq., counsel for the HDP, Inc. by

telephone in a good faith effort to resolve or narrow the issues presented by the motion, but that counsel were unable to resolve the issues prior to the filing of the motion.

/s/Nicholas S. Guerrera

Dated: April 3, 2007

Nicholas S. Guerrera

CERTIFICATE OF SERVICE

I, Nicholas S. Guerrera, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent, via First-Class Mail, to those indicated as non-registered participants, on this 3rd day of April 2007.

/s/Nicholas S. Guerrera

Dated: April 3, 2007

Nicholas S. Guerrera